

ENTERED

June 27, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MAURICIO CELIS,	§
	§
Petitioner,	§
VS.	§ CIVIL ACTION NO. 2:14-CV-335
	§
GUY WILLIAMS, <i>et al</i> ,	§
	§
Respondents.	§

ORDER VACATING JUDGMENT

Petitioner Mauricio Celis filed this habeas corpus proceeding pursuant to 28 U.S.C. § 2254 on August 12, 2014. D.E. 1. At that time, the case was assigned to this Court pursuant to standard procedures and this Court entered its first Order with respect to the case, an Order Consolidating Cases (D.E. 3), on August 14, 2014. Pursuant to that Order, the case was referred to United States Magistrate Judge Jason B. Libby for pre-trial proceedings, resulting in a Memorandum and Recommendation (M&R, D.E. 17), recommending that habeas corpus relief be denied.

Petitioner then filed his Objections (D.E. 23) to the M&R on November 28, 2015, seeking this Court's rejection of the M&R's conclusions. Issues related to judicial recusal were briefed in those Objections, but no challenge to this Court's authority to enter a decision was posed until April 4, 2016—after this Court accepted the Magistrate Judge's recommendation to deny habeas corpus relief and entered final judgment accordingly. D.E. 27, 28. In his Motion to Alter and Amend the Judgment and for Disqualification (D.E. 28), Petitioner now seeks this Court's retroactive recusal based on

prior recusals in state court proceedings. Respondent has not filed a response to the post-judgment motion.

After due consideration of the totality of the circumstances, the Court GRANTS the motion pursuant to 28 U.S.C. § 455(a). The Court VACATES the Order Adopting Memorandum and Recommendation (D.E. 26), together with the Final Judgment (D.E. 27), and the undersigned STANDS RECUSED from this action.

ORDERED this 27th day of June, 2016.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE